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20 BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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1 Following the June 5, 2025, Scheduling Conference and the Court's Order thereafter, the
2 parties participated in two teleconferences on June 6 and June 9, 2025, to meet and confer on the
3 issues addressed in this report and to create a proposed litigation plan. The parties jointly submit
4 this report, which does not repeat portions of the original Rule 26(f) report filed on June 2, 2025.
5 [ECF 16.]

6 **Bifurcation**

7 As discussed during the June 5, 2025, Scheduling Conference, the parties agree to stay the
8 litigation on all issues other than coverage issues. The parties agree that after conducting
9 discovery limited to the coverage issues in dispute ("Phase 1"), Defendant, and possibly Plaintiff,
10 will file a motion for summary judgment or a motion for partial summary judgment on coverage.
11 Discovery, litigation and adjudication of issues outside of coverage will be conducted in Phase 2
12 and stayed until after the Court rules on the coverage issue that will be submitted by one or both
13 parties on or before February 13, 2026. Notwithstanding the stay, Plaintiff intends to submit to
14 Defendant further information concerning its claimed damages and losses and the parties are
15 permitted to negotiate further based upon the documents and new information that will be provided
16 to Defendant.

17 **Discovery**

18 The parties agree on the following tentative discovery schedule for "Phase 1" of the case.
19 At this time, Plaintiff is re-evaluating its claim. No later than July 15, 2025, Plaintiff will advise
20 Defendant regarding the full extent of the claim, including identifying its damages. By July 15,
21 2025, Plaintiff will also provide responses to Defendant's Requests for Production, served June 2,
22 2025.

23 **Further Proceedings and Timetable:**

24 The parties propose the following dates. Depending on what information is disclosed by Plaintiff
25 on July 15, 2025, the below schedule may require changes. In that event, the parties will report
26 back to the Court. Based upon the schedule below, the parties defer to the Court consistent with its
27 calendar on setting the hearing date for the motion for summary judgment.

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1 Fact Discovery Cut-Off: November 14, 2025
2 Expert Disclosures: November 14, 2025
3 Rebuttal Expert Disclosures: December 5, 2025
4 Expert Discovery Cut-Off: January 16, 2026
5 PMSJ Filing Deadline: February 13, 2026
6 PMSJ Opposition Deadline: March 16, 2026
7 PMSJ Reply Deadline: March 30, 2026
8 PMSJ Hearing Date: _____

9 **Settlement/ADR**

10 After the Court rules on the summary judgment motion, assuming a dispute continues to
11 exist among the parties, the parties will make their best efforts to have mediation hopefully
12 completed by May 29, 2026.

13 Dated: MOUND COTTON WOLLAN & GREENGRASS LLP

14
15 By: /s/ per authorization given by M. Wendell on 6/10/25
16 Jonathan Gross
17 Megan Wendell
18 Attorneys for Defendant
19 LEXINGTON INSURANCE COMPANY

20 Dated: LERCH STURMER LLP

21 By: Jerome N. Lerch
22 Jerome N. Lerch
23 Attorneys for Plaintiff, BOARD OF TRUSTEES OF THE
24 CALIFORNIA STATE UNIVERSITY, a public entity

DECLARATION OF SERVICE

I am a citizen of the United States, I am over the age of eighteen years and not a party to the within cause; I am employed in the City and County of San Francisco, California and my business address is One Sansome Street, Suite 740, San Francisco, California 94104. My electronic service address is rvernola@lerchsturmer.com. On this date, I served the following document(s):

SUPPLEMENTAL RULE 26(f) JOINT STATUS CONFERENCE STATEMENT

on the parties identified below, through their attorneys of record, by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

____: By First Class Mail -- I placed the sealed envelope(s), with first class postage thereon, for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

___: By Overnight Courier -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee(s) on the next business day.

✓ : By E-mail -- I electronically served each party at the email addresses shown on this declaration.

Jonathan Gross, Esq.
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mwendell@moundcotton.com
Kelly McAndrews: KMcAndrews@moundcotton.com
Attorneys for Lexington Ins. Company

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED on June 10, 2025 at Pleasant Hill, California.

Rosemarie Vernola
(type/print name)

Rosemarie Vernola
(signature)